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Counsel for Plaintiffs

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

ST. LUKE'S HEALTH SYSTEM, LTD; ST.
LUKE'S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual;
NATASHA D. ERICKSON, MD, an
individual; and TRACY W. JUNGMAN, NP,
an individual,

Plaintiffs,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee;
and PEOPLE'S RIGHTS NETWORK, a
political organization,

Defendants.

Case No. CV01-22-06789

**MEMORANDUM IN SUPPORT OF
MOTION OR APPLICATION FOR
ENTRY OF DEFAULT AND DEFAULT
JUDGMENT ON FOURTH AMENDED
COMPLAINT AS TO AMMON BUNDY,
AMMON BUNDY FOR GOVERNOR,
AND PEOPLE'S RIGHTS NETWORK**

Plaintiffs, St. Luke’s Health System, Ltd., St. Luke’s Regional Medical Center, Ltd., Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (“Plaintiffs”), by and through their attorneys of record, Holland & Hart LLP, hereby submit this Memorandum in Support of Motion or Application for Default and Default Judgment on Fourth Amended Complaint as to Ammon Bundy (“Bundy”), Ammon Bundy for Governor (“Bundy Campaign”), and the People’s Rights Network (“PRN”). Bundy, Bundy Campaign, and PRN are collectively referred to as the “Bundy Defendants.”

Plaintiffs state as follows in support of this Motion:

1. On March 1, 2023, the Court issued an Order granting Plaintiffs’ Motion for Leave to File Fourth Amended Complaint and issued related summonses.
2. On March 3, 2023, Plaintiffs filed the Fourth Amended Complaint.
3. Tri-County Process Serving LLC caused the Fourth Amended Complaint and summonses to be served on the Bundy Defendants by leaving those documents with Mr. Bundy on March 3, 2023. *See* Stidham Aff. 4/4/23, ¶ 2, Ex. A (Declarations of Service by Mike Ridgeway filed on March 20, 2023).
4. The Bundy Defendants have failed to plead or otherwise defend against the Fourth Amended Complaint within the time allowed by law. *See* Stidham Aff. 4/4/23, ¶ 6.
5. Defendant Bundy Campaign is a political action committee and Defendant PRN is an unincorporated association or political organization and therefore cannot be a minor or an incompetent person for default purposes. *See* Stidham Aff. 4/4/23, ¶¶ 11-12.

6. Born in 1975, Defendant Bundy is not a minor. *See* <https://www.justice.gov/usao-or/file/816166/download> (Department of Justice criminal complaint against Bundy establishing birthdate in 1975) (last visited on 4/3/2023); Stidham Aff. 4/4/23, ¶ 8, Ex. B at 2.

7. To the best of Plaintiffs' knowledge, Mr. Bundy has not been declared incompetent and is not represented by a guardian, conservator, or other like fiduciary. Stidham Aff. 4/4/23, ¶ 9.

8. The Servicemembers Civil Relief Act, renumbered as 50 U.S.C. § 3901, *et seq.*, provides protections to members of the United States' uniformed services from legal proceedings.

9. The Bundy Campaign and PRN are political organizations or unincorporated organizations and therefore are not included within the term "servicemember" as that term is defined in 50 U.S.C. § 3911(1). Stidham Aff. 4/4/23, ¶ 15.

10. Defendant Bundy is not in military service, as that term is defined in 50 U.S.C. App. § 3911(2). *See* Stidham Aff. 4/4/23, ¶ 10, Ex. C. Mr. Bundy is 47 years old, has never been in the military, and is too old to join. *See* <https://www.usa.gov/join-military> (last visited 4/3/2023); Stidham Aff. 4/4/23, ¶ 10.

11. Service is proper on Mr. Bundy as a "managing or general agent, or any other agent authorized by appointment or by law to receive service of process" for PRN under Idaho Rule of Civil Procedure 4(d)(3)(A). Stidham Aff. 4/4/23, ¶ 3. PRN is a political organization or unincorporated association. *See* Stidham Aff. 4/4/23, ¶ 12.

12. While the scope of Rule 4(d)(3)(A) agency has not been addressed by Idaho courts in any published opinion, federal courts have interpreted the federal corollary Federal

Rule of Civil Procedure 4(h).¹ The rules regarding service do not require an entity to confer express authority in order for an individual to be considered an agent upon whom service is proper. *See Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988). “Generally, service is sufficient when made upon an individual who stands in such a position as to render it fair, reasonable and just to imply the authority on his part to receive service.” *Id.* (holding that service of an entity was proper when effected on receptionist who was the only individual in the office at the time the process server arrived); *see also United States v. Doe Co.*, 966 F.3d 991, 999-1000 (9th Cir. 2020) (holding that service on general counsel for an entity integrated with the company the government intended to serve was properly effected due to implied authority and stating that the individual upon whom service is made must merely be “so integrated with the organization that he will know what to do with the papers”).

13. Defendant Bundy founded PRN. *See Stidham Aff.* 4/4/23, ¶ 12. As recently as August 8, 2022, Mr. Bundy stated he “built this People’s Rights organization” *Id.* Mr. Bundy continues to be involved in and direct PRN and its operations. *See id.*, ¶¶ 13-14.

14. As reflected in an extensive report prepared by the Institute for Research and Education on Human Rights, Bundy controls PRN:

Though he lacks an official title in the People’s Rights organization chart, Ammon Bundy is for all intents and purposes the head of the network. . . . [Bundy] is involved in virtually every facet of the People’s Rights Network – from laying out the structure of the group to overseeing the technology used in the

¹ The Idaho Supreme Court “prefer[s] to interpret the Idaho Rules of Civil Procedure in conformance with interpretations of the same language in the federal rules.” *Westby v. Shaefer*, 157 Idaho 616, 622, 338 P.3d 1220, 1226 (2014).

network, to promoting the group, to wrangling area assistants. People's Rights is Ammon's army.

Stidham Aff. 4/4/23, ¶ 13, Ex. D at 50.

15. The physical address for PRN, listed on its website, is P.O. Box 370, Emmett, ID 83617, which is the same address used for Defendant Ammon Bundy for Governor. Stidham Aff. 4/4/23, ¶ 14.

16. Mr. Bundy's development of PRN and continued involvement with and direction of PRN render him a general agent for purposes of service.

17. Pursuant to Idaho Rule of Civil Procedure 15(a)(3), the Bundy Defendants were required to file a response to the Fourth Amended Complaint by March 17, 2023.

18. No answer or defense has been filed by the Bundy Defendants within the time allowed by law.

19. The Bundy Defendants have had actual knowledge of this lawsuit for almost a year. *See* Stidham Aff. 4/4/23, ¶ 5. Mr. Bundy began to make public statements regarding the lawsuit shortly after it was filed and has continued to make such public statements. *Id.*

20. Postings on the PRN website reference this lawsuit, evidencing PRN's awareness of the litigation and claims against the organization. *See* Stidham Aff. 4/4/23, ¶ 5.

21. Owing to the Bundy Defendants' ongoing efforts to dodge and refusal to acknowledge service, Plaintiffs served the Bundy Defendants with pleadings (including the original and amended complaints) on multiple occasions in a redundant fashion. *See* Stidham Aff. 4/4/23, ¶ 4.

22. Pursuant to Idaho Rule of Civil Procedure 55(b)(2), Plaintiffs seek to have damages set against the Bundy Defendants promptly and will be seeking to set a hearing date, before a jury, to assess compensatory and punitive damages. To that end, Plaintiffs will file Plaintiffs' Motion for Referral and Scheduling of Default Hearing on Damages concurrently.

23. After entry of default, Plaintiffs will move the Court and take appropriate procedural steps to recover reasonable attorney's fees as identified in the Amended Complaint.

24. Pursuant to Idaho Rule of Civil Procedure 55(b)(3), Plaintiffs certify that the name of the Bundy Defendants to be defaulted and the address most likely to provide notice of the Default Judgment is as follows:

Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

Ammon Bundy for Governor
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

People's Rights Network
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

See Stidham Aff. 4/4/23, ¶ 7.

WHEREFORE, Plaintiffs move the Court to enter an Order of Default and Entry of Default Judgment in the above-entitled action against the Bundy Defendants, as follows:

1. That Plaintiffs are entitled to default against the Bundy Defendants;
2. That Plaintiffs are entitled to default judgment against the Bundy Defendants;

3. That the Bundy Defendants be required to comply with the declaratory and injunctive relief identified in the Fourth Amended Complaint. *See* Fourth Amended Complaint, Prayer for Relief, B; and

4. Referring this matter for a hearing, with a jury, to determine the amount of damages and punitive damages to be awarded to Plaintiffs.

DATED: April 4, 2023.

HOLLAND & HART LLP

By: */s/ Erik F. Stidham*

Erik F. Stidham

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2023, I caused to be filed and served, via iCourt, a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ammon Bundy for Governor
P.O. Box 370
Emmett, ID 83617

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy for Governor
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

People's Rights Network
c/o Ammon Bundy
4615 Harvest Ln.
Emmett, ID 83617-3601

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

People's Rights Network
c/o Ammon Bundy
P.O. Box 370
Emmett, ID 83617

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Freedom Man Press LLC
c/o Diego Rodriguez
1317 Edgewater Dr. #5077
Orlando, FL 32804

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Freedom Man Press LLC
c/o Diego Rodriguez
9169 W. State St., Ste. 3177
Boise, ID 83714

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Freedom Man PAC
c/o Diego Rodriguez
1317 Edgewater Dr., #5077
Orlando, FL 32804

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Email/iCourt/eServe:

Diego Rodriguez
1317 Edgewater Dr., #5077
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freedommanpress@protonmail.com

/s/ Erik F. Stidham

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